

AMENDMENT TO THE DRAWINGS

The attached one (1) Second Replacement Sheet of drawings includes an amendment to Figure 8. In particular, Figure 8 has been amended to show that an element of stripe 2 has been rebuilt on storage unit D4, as depicted by an underlined “2”. Support for this amendment can be found at least in paragraph [47] of the originally filed patent application.

Attachment: One (1) Second Replacement Sheet for Figure 8.

REMARKS

The final Office Action dated October 17, 2008, and the Advisory Action dated November 28, 2008, has been carefully reviewed, and in view of the above changes and following remarks reconsideration and allowance of all the claims pending in the application are respectfully requested.

Claims 1-23 and 46-95 stand rejected, and claims 24-45 and 96-144 stand withdrawn. By this Amendment, claims 1, 2, 46, 49, 73 and 74 have been amended, and claims 4, 24-45, 51, 76 and 96-144 have been canceled. Claims 1-3, 5-23, 46-50, 52-75 and 77-95 remain pending.

Applicants' attorney wishes to thank the Examiner extending an invitation to discuss potential claim language and for taking time to review proposed claim language for advancing prosecution.

Amendments To The Claims

Applicants have amended claims 1, 2, 46, 49, 73 and 74 to generally improve their respective forms in accordance with U.S. patent law. Additionally, Applicants have canceled claims 4, 24-45, 51, 76 and 96-144 have been canceled. Support for the amendments to claims 1, 2, 46, 49, 73 and 74 can be found throughout the specification, for example, at least in paragraphs [37] and [38], and claims 4, 51 and 76 of the originally filed patent application.

Applicants respectfully submit that the amendments to the claims are intended to better clarify the meaning of the claimed subject matter in view of the rejection based on 35 U.S.C. § 112, second paragraph. Moreover, Applicants respectfully submit that because the amendments to the claims are not in response to applied art, are directed to formal matters, and do not narrow the scope of the amended claims, no prosecution-history estoppel results from the amendments.

The Amendments To The Figures

Applicants have amended Figure 8, and have attached as an Appendix one (1) Second Replacement Sheet of drawings that includes the amendment to Figure 8. In particular, Figure 8 has been amended to show that an element of stripe 2 has been rebuilt on storage unit D4, as depicted by an underlined "2". Support for this amendment can be found at least in paragraph [47] of the originally filed patent application.

The Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-144 stand rejected under 35 U.S.C. § 112, second paragraph, as it is unclear to the Examiner what the relationship is between “k” and “m” or what values variables “k” and “m” take on.

Applicant has amended pending independent claims 1, 46 and 73 to address the issues raised by the Examiner.

Consequently, Applicants respectfully request that the Examiner withdraw this rejection and allow claims 1-23 and 46-95.

The Rejection Under 35 U.S.C. § 112, Fourth Paragraph

Claim 2, 49 and 74 stand rejected under 35 U.S.C. § 112, fourth paragraph, as failing to further limit their respective independent claims.

Applicants have amended claims 2, 29 and 74 to address the issue raised by the Examiner.

Consequently, Applicants respectfully request that the Examiner withdraw this rejection and allow claims 2, 49 and 74.

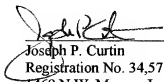
CONCLUSION

In view of the above amendments and arguments and remarks which present the claims in better form for consideration on appeal, it is urged that the present application is now in condition for allowance. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

It is requested that this application be passed to issue with claims 1-3, 5-23, 46-50, 52-75 and 77-95.

Respectfully submitted,

Date: January 1, 2009



Joseph P. Curtin
Registration No. 34,571
1469 N.W. Morgan Lane
Portland, OR 97229-5291
(503) 296-8373
(503) 297-0452 (facsimile)